

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held June 13, 2012, at 2:30 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Charles "Pete" Southerland, Chairman; Mr. James "Larry" Hall, Vice Chairman; Mr. Frank Harold and Mr. William J. Blackman.

Building Inspection Department staff in attendance was Mr. Wilson "Skip" Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator; Mr. Bobby Burkett, Compliance Investigator and Mrs. Robyn Leverton, Administrative Assistant I.

Ms. Angie Jones, County Attorney, was also present for the meeting.

A court reporter was not present for the meeting.

There is a cassette tape of this meeting.

Mr. Pete Southerland, Chairman, called the meeting to order at 2:32 p.m.

Approval of Agenda:

Mr. Blackman made a motion to accept the agenda. Mr. Hall seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes:

Mr. Harold made a motion to approve the minutes from the March 14, 2012 meeting. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Next Meeting:

The next regularly scheduled meeting is Wednesday, July 11, 2012, at 2:30 p.m. in the Building Inspection Department Media Room.

Old Business

• Probable Cause

Santa Rosa County & Palmetto Lake Preserve vs. Paul Hartzog d/b/a Decks N Such Marine, Inc., license #CGC1516044 (State Certified General Contractor)

The Board heard this case in January of 2012. The original complaint was that the contractor failed to request his final inspection, refused to reinstate the permit and that the pier was constructed without regard to location, violating private property lines and an authorized lease area provided by DEP. The Board determined that Mr. Hartzog needed to reinstate the permit and order his final inspection; Mr. Hartzog did both. By ordering the final inspection, the initial code violation, "Failure to call for Required Inspections", no longer exists. Mr. Harold made a **motion that the initial issue be dismissed on the grounds that the inspection had been requested; Mr. Blackman seconded the motion. The motion carried with a unanimous vote.**

Upon the final inspection, confirmation was made, by the Building Inspection office, that there is a physical encroachment (setback violation) onto Mr. Whitfield's property as well as two other properties with a good portion of the walkway from the common area access.

After much discussion and questions from the Board with Mr. Metzger, President of the Home Owners Assoc., Mr. Randy Jones and the County Attorney, Ms. Angie Jones, the Board made the determination that this was not a "willful and deliberate" code violation. They believe it to be a civil case due to responsibility of the developer, the HOA and passage of time leading Mr. Harold to make a **motion to dismiss the case with Mr. Blackman providing a second to the motion. The motion carried with a unanimous vote.**

New Business

• Probable Cause

Dawn Gullickson vs. Wayne L Adams d/b/a Adams Homes of Northwest Fla., Inc., license #CBC043518 (State Certified Building Contractor)

Randy Jones provided a brief history of the case. A "New Residence" permit was issued in September of 2007. The final inspection occurred in January of 2008. The case involves a "hard" stucco system. The Building Code states that the stucco should be installed per the manufacturing installation instructions. In this case OSB was used as furring to bring out some banding around several windows; moisture got in as well as termites and caused damage; this damage was discovered in 2011. The code, from section R703 of the 2004 Florida Building Code, addresses building materials and when you are required to protect them from moisture. OSB requires some type of protection, typically felt or house wrap is used. Neither of these items was used on this structure. Additionally, the way the OSB was used, is not approved by Acrocrete.

Mr. Jones stated that Adams Homes was contacted by Ms. Gullickson. After he received the complaint and made a site visit, he also contacted Adams homes and mailed them a 'letter of complaint received'. Adams Homes response claimed that if the homeowner had maintained the caulking and the termite bond, the problem would not have occurred. Randy said that either way, a code violation remains. The installation method may not have been a 'willful and deliberate' act, but the failure to correct the issue is a code violation. A discussion ensued between the Board and Randy Jones.

Ms. Dawn Gullickson, the homeowner, was the next to speak. She moved into the house in 2008 and failed to have a termite inspection in '10, but sprayed the house herself. The termites and moisture damage were discovered in 2011.

Mr. Tom McElfresh, representative from Adams Homes, also addressed the Board. He said the OSB was specifically used by the

stucco company because of the fabric shield requirements. He said, "We couldn't take the thick Styrofoam where we could bring it out past the windows to get our caulk joint." The Board asked questions of Mr. McElfresh and a discussion ensued. Mr. McElfresh said that he is only the messenger; his regional manager told his general manager and his general manager told him that, "The homeowner should have maintained their house and maintained their termite bond." The Board wanted Mr. McElfresh to emphasize to his superiors that regardless of whether the homeowner maintained their house and their termite bond, a code violation exists and that violation needs to be corrected. If it's not corrected it will be "Willful and Deliberate". Mr. McElfresh asked the consequences. Ms. Jones, County Attorney, said that it is within the Boards power to revoke his license for a period of one year in Santa Rosa Co.

Mr. Blackman made a **motion to move case to a formal hearing unless Adams Homes resolves to the homeowner's satisfaction; Mr. Harold seconded the motion. The motion carried with a unanimous vote.**

Mr. Harold made a motion to adjourn the meeting. Mr Hall seconded the motion. The motion carried with a unanimous vote.

The meeting was adjourned at 4:45 p.m.